



March 31, 2009

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## ENGROSSED SENATE BILL No. 14

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DIGEST OF SB 14 (Updated March 25, 2009 6:40 pm - DI 75)

**Citations Affected:** IC 3-11.

**Synopsis:** Accessibility of voting locations. Requires that all locations where a voter is entitled to cast in person an absentee ballot before election day meet the same accessibility requirements that apply to a polling place for a precinct. Provides that if the office of the circuit court clerk is unable to comply with this requirement even by implementing temporary measures, the office of the circuit court clerk is not required to comply with this requirement before January 1, 2019. Provides that a voter casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or at a satellite office is entitled to receive assistance in casting a ballot if the voter is a voter with disabilities or is unable to read or write English. Establishes a procedure at the time for closing the polls or an office where voting is occurring to identify the voters who are voting or waiting to vote and to permit those voters to finish the process of voting. Provides that absentee voting in the clerk's office or at a satellite office may not be closed before the time designated for the end of voting to occur. Provides that a county election board may count absentee ballots cast at the clerk's office or at a satellite office on a direct record electronic voting system at a central location instead of sending those ballots to the precinct for counting. Requires a county election board that counts absentee ballots in this manner to adjust precinct vote totals to reflect the counting of these absentee ballots. Provides that a county that counts these absentee ballots in this fashion is not required to count other absentee ballots at a central location.

**Effective:** July 1, 2009.

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### Miller, Lubbers, Sipes

(HOUSE SPONSORS — BATTLES, SMITH M, BARNES)

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January 7, 2009, read first time and referred to Committee on Elections.  
January 27, 2009, amended, reported favorably — Do Pass.  
January 29, 2009, read second time, ordered engrossed. Engrossed.  
February 2, 2009, read third time, passed. Yeas 48, nays 0.

#### HOUSE ACTION

February 25, 2009, read first time and referred to Committee on Elections and Apportionment.  
March 30, 2009, amended, reported — Do Pass.

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ES 14—LS 6131/DI 102+



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March 31, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 14

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-11-8-11, AS AMENDED BY P.L.221-2005,  
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 11. (a) When the ~~hour~~ **time** for closing the polls  
4 occurs, the precinct election board shall permit all ~~voters who~~ **the**  
5 **following to vote:**

6 (1) **Voters who** have passed the challengers and who are waiting  
7 to announce their names to the poll clerks for the purpose of  
8 signing the poll list.

9 (2) **Voters who** have signed the poll list but who have not voted.

10 ~~or~~

11 (3) **Voters who** are in the act of voting.

12 ~~to vote. In addition,~~

13 (4) **Voters described in subsection (b).**

14 (b) **At the close of the polls**, the inspector shall require all voters  
15 who have not yet passed the challengers to line up in single file. ~~within~~  
16 ~~the chute. The poll clerks~~ **inspector** shall ~~record the names of the~~  
17 ~~voters in the chute and these do the following:~~

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(1) **Determine who the last voter is in the line. The inspector may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.**

(2) **Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.**

These voters may vote unless otherwise prevented according to law.

~~(b)~~ (c) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 2. IC 3-11-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) each precinct; and ~~to~~

(2) absentee voting, **including the casting of an absentee ballot before an absentee voter board:**

(A) **in the office of the:**

(i) circuit court clerk; or

(ii) **board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4; or**

(B) **at a satellite office established under IC 3-11-10-26.3.**

SECTION 3. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) **Except as provided in section 12.5 of this chapter,** each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

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(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

- (1) 42 U.S.C. 1973ff for federal offices; and
- (2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 4. IC 3-11-10-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12.5. (a) This section applies to absentee ballots cast:**

- (1) **under section 26 or 26.3 of this chapter; and**
- (2) **on a direct record electronic voting system.**

**(b) Notwithstanding section 12 of this chapter, a county election board is not required to deliver absentee ballots described in subsection (a) to the precincts for counting.**

**(c) A county election board acting under this section:**

- (1) **may count all absentee ballots described in subsection (a) at a central location; and**
- (2) **shall adjust the vote totals for each precinct based on the count of absentee ballots under subdivision (1).**

**(d) This section does not require a county election board to count absentee ballots not described in subsection (a) at a central location under this section or IC 3-11.5.**

SECTION 5. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee**

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voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. **Except as provided in subsection (k),** the application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) **Subject to subsection (k),** the voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) **Subject to subsection (k),** an absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. **The office of the circuit court clerk may not close on a day designated for casting absentee ballots in the clerk's office before the time on that day designated for casting absentee ballots in the clerk's office to end.**

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct

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any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

**(j) A voter casting an absentee ballot under this section is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.**

**(k) Notwithstanding subsection (c) or (d), when the time arrives that has been designated as the time at which voting under this section ends, the absentee voter board shall do the following:**

**(1) Permit all voters who:**

**(A) are in the act of voting; or**

**(B) have begun the procedure for casting an absentee ballot under this section but who have not voted;**

**to vote.**

**(2) Require all voters who are waiting to vote but have not begun the procedure for casting an absentee ballot under this section to line up in single file. One (1) member of the board shall do the following:**

**(A) Determine who the last voter is in the line. The board member may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.**

**(B) Beginning with the last voter in line, give each voter in the line an object determined by the county election board**

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to signify that the voter was in line at the close of the polls.

These voters may vote under this section unless otherwise prevented according to law.

(l) All locations where a voter is entitled to vote under this section must comply with the polling place accessibility requirements of IC 3-11-8. However, if the office of the circuit court clerk is unable to comply with this subsection even by implementing temporary measures under IC 3-11-8-1.2(c), the office of the circuit court clerk is not required to comply with this subsection before January 1, 2019.

SECTION 6. IC 3-11-10-26.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

(1) State the locations of the satellite offices.

(2) State the hours at which absentee voting may occur at the satellite offices. **A satellite office may not close on a day designated for casting absentee ballots at the satellite office before the time on that day designated for casting absentee ballots at the satellite office to end.**

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

**(f) A voter at a satellite office is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.**

**(g) Notwithstanding a resolution adopted under this section, when the time arrives that has been designated as the time at which voting under this section ends, the absentee voter board shall do the following:**

**(1) Permit all voters who:**

**(A) are in the act of voting; or**

**(B) have begun the procedure for casting an absentee ballot under this section but who have not voted; to vote.**

**(2) Require all voters who are waiting to vote but have not**

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1 begun the procedure for casting an absentee ballot under this  
2 section to line up in single file. One (1) member of the board  
3 shall do the following:

4 (A) Determine who the last voter is in the line. The board  
5 member may not determine that a voter is not in line only  
6 because the voter is located outside the building in which  
7 voting is occurring.

8 (B) Beginning with the last voter in line, give each voter in  
9 the line an object determined by the county election board  
10 to signify that the voter was in line at the close of the polls.

11 These voters may vote under this section unless otherwise  
12 prevented according to law.

13 (h) A satellite office established by a circuit court clerk under  
14 this section must comply with the polling place accessibility  
15 requirements of IC 3-11-8.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the

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two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

**(j) All locations where a voter is entitled to vote under this section must comply with the polling place accessibility requirements of IC 3-11-8."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 14 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-11-8-11, AS AMENDED BY P.L.221-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) When the ~~hour time~~ for closing the polls occurs, the precinct election board shall permit all ~~voters who~~ **the following to vote:**

(1) **Voters who** have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list.

(2) **Voters who** have signed the poll list but who have not voted.  
~~or~~

(3) **Voters who** are in the act of voting.  
~~to vote. In addition,~~

(4) **Voters described in subsection (b).**

(b) **At the close of the polls**, the inspector shall require all voters who have not yet passed the challengers to line up in single file. ~~within the chute. The poll clerks~~ **inspector shall record the names of the voters in the chute and these do the following:**

(1) **Determine who the last voter is in the line. The inspector may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.**

(2) **Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.**

**These voters may vote unless otherwise prevented according to law.**

~~(b)~~ (c) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 2. IC 3-11-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) each precinct; and ~~to~~

(2) absentee voting, **including the casting of an absentee ballot before an absentee voter board:**

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**(A) in the office of the:**

**(i) circuit court clerk; or**

**(ii) board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4; or**

**(B) at a satellite office established under IC 3-11-10-26.3.**

SECTION 3. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) **Except as provided in section 12.5 of this chapter**, each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special

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write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 4. IC 3-11-10-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12.5. (a) This section applies to absentee ballots cast:**

- (1) under section 26 or 26.3 of this chapter; and
- (2) on a direct record electronic voting system.

(b) Notwithstanding section 12 of this chapter, a county election board is not required to deliver absentee ballots described in subsection (a) to the precincts for counting.

(c) A county election board acting under this section:

- (1) may count all absentee ballots described in subsection (a) at a central location; and
- (2) shall adjust the vote totals for each precinct based on the count of absentee ballots under subdivision (1).

(d) This section does not require a county election board to count absentee ballots not described in subsection (a) at a central location under this section or IC 3-11.5.

SECTION 5. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26. (a)** As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

- (1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or
- (2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. **Except as provided in subsection (k),** the application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) **Subject to subsection (k),** the voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) **Subject to subsection (k),** an absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on

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election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. **The office of the circuit court clerk may not close on a day designated for casting absentee ballots in the clerk's office before the time on that day designated for casting absentee ballots in the clerk's office to end.**

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

**(j) A voter casting an absentee ballot under this section is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.**

**(k) Notwithstanding subsection (c) or (d), when the time arrives that has been designated as the time at which voting under this section ends, the absentee voter board shall do the following:**

**(1) Permit all voters who:**

**(A) are in the act of voting; or**

**(B) have begun the procedure for casting an absentee ballot under this section but who have not voted;**

**to vote.**

**(2) Require all voters who are waiting to vote but have not begun the procedure for casting an absentee ballot under this section to line up in single file. One (1) member of the board shall do the following:**

**(A) Determine who the last voter is in the line. The board member may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.**

**(B) Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.**

**These voters may vote under this section unless otherwise prevented according to law.**

**(l) All locations where a voter is entitled to vote under this section must comply with the polling place accessibility requirements of IC 3-11-8. However, if the office of the circuit court clerk is unable to comply with this subsection even by implementing temporary measures under IC 3-11-8-1.2(c), the office of the circuit court clerk is not required to comply with this subsection before January 1, 2019."**

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, line 17, after "offices." insert **"A satellite office may not close on a day designated for casting absentee ballots at the satellite office before the time on that day designated for casting absentee ballots at the satellite office to end."**

Page 3, between lines 23 and 24, begin a new paragraph and insert:

**"(f) A voter at a satellite office is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.**

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(g) Notwithstanding a resolution adopted under this section, when the time arrives that has been designated as the time at which voting under this section ends, the absentee voter board shall do the following:

(1) Permit all voters who:

(A) are in the act of voting; or

(B) have begun the procedure for casting an absentee ballot under this section but who have not voted;

to vote.

(2) Require all voters who are waiting to vote but have not begun the procedure for casting an absentee ballot under this section to line up in single file. One (1) member of the board shall do the following:

(A) Determine who the last voter is in the line. The board member may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.

(B) Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.

These voters may vote under this section unless otherwise prevented according to law."

Page 3, line 24, delete "(f)" and insert "(h)".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 14 as printed January 28, 2009.)

BATTLES, Chair

Committee Vote: yeas 12, nays 0.

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